

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Takeshi Hoshida, et al.
Serial No.: 09/853,323
Filed: May 10, 2001
Group No.: 2613
Confirmation No.: 5870
Examiner: Agustin Bello
For: *Method and System for Transmitting Information in an Optical
Communication System Using Distributed Amplification*

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

**Terminal Disclaimer Under 37 C.F.R. §1.321 (c) and
Signed Statement Under 37 C.F.R. §3.73 (b)**

I, Michio Nakamura, of Fujitsu Limited, represent that Fujitsu Limited is an assignee and an owner of the right, title and interest of, in and to application Serial No. 09/853,323, filed on May 10, 2001, for *Method and System for Transmitting Information in an Optical Communication System Using Distributed Amplification*, as indicated by the Assignment Records of the U.S. Patent and Trademark Office as follows:

From: Takeshi Hoshida, Hiroshi Onaka, Takafumi Terahara
To: Fujitsu Network Communications, Inc. and Fujitsu Limited
Assignment recorded at Reel 012772, Frame 0934;

and certify that to the best of assignee's knowledge and belief, title is in the assignee seeking to take action; and that I am empowered to act on behalf of assignee.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. Furthermore, I declare that these statements are made with the knowledge that willful false statements and the like

so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Fujitsu Limited hereby disclaims the terminal part of any patent which may grant from U.S. Patent No. 7,200,344 issued April 3, 2007, assigned to and owned by said Fujitsu Limited as indicated by the Assignment Records of the U.S. Patent and Trademark Office at Reel 017098, Frame 0977, and hereby agree that any patent so granted on the above-identified patent shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent which may grant from U.S. Patent No. 7,200,344 issued April 3, 2007, this agreement to run with any patent granted on the above-identified patent and to be binding upon the grantee, its successor or assigns.

Petitioner, however, does not disclaim any terminal part of any patent granted on the above-identified patent prior to the expiration of the full statutory term of the above-referenced U.S. Patent No. 7,200,344, in the event that one or more of the following occurs: U.S. Patent No. 7,200,344 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The \$130.00 fee required by 37 C.F.R. 1.20(d) is submitted herewith and believed to be correct. However, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment of fees to Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

FUJITSU LIMITED

4/1/2008
Date

Michio Nakamura
Michio Nakamura